

Docket No: 01-0662
SOM: 12/11/01
DEADLINE: N/A

M E M O R A N D U M

TO: The Commission

FROM: Eve Moran, Administrative Law Judge

DATE: December 6, 2001

SUBJECT: Illinois Commerce Commission
On Its Own Motion

Investigation concerning Illinois Bell Telephone Company's compliance with Section 271 of the Telecommunications Act of 1996.

RECOMMENDATION: Informational Only: (1) continue this practice; (2) immediate release to parties.

Purpose:

The reason for this memorandum is simply to keep the Commission generally informed of the progress in this matter. The ALJ proposes immediate release of this "informational" memorandum to the parties.

Goal of the Proceeding:

As per the Commission's Order Initiating Investigation (Docket 01-0662, October 24, 2001), the stated goal of this proceeding is to determine whether, for purposes of its consultation with the FCC, the Commission believes that Ameritech Illinois has satisfied the requirements of Section 271 of the federal law. (Id. at 3)

Parties to Date:

AT&T; Attorney General; McLeodUSA; Z-Tel Communications; Sprint; IITA; Cook County State's Attorney; Vertex Broadband; WorlCom; XO Illinois; Staff and Ameritech.

Commission Directions:

The Initiating Order (cited above) suggests that this proceeding be conducted in two or more phases with corresponding interim orders. (Id. at 3). It further indicates that the first phase shall cover as much of the competitive checklist as possible absent OSS test results. (Id.)

Schedule – Phase One:

As proposed by agreement of the parties - and with no objections being heard - the ALJ established the following schedule at the November 27, 2001 status conference:

PHASE ONE

<u>Activity</u>	<u>Date (2001-2002)</u>
Commission Initiates Proceeding	Oct - 24
Pre-Hearing Conference	Nov-7
Ameritech Illinois verified Draft Affidavits distributed	Nov - 20
Procedural Conference	Nov - 27
Intervenors & Staff provide Issues Lists to All Parties; Ameritech provides Requirements List	Dec -14
Staff circulates Omnibus Issues List/Grid to All Parties	Dec-21
All Parties Meet to Review & Discuss Issues List (additional day if needed: January 9)	Jan-8
Status Hearing (final issues list)	Jan-10
Ameritech Illinois files Direct Testimony	Jan-28
Staff and Intervenors file Direct Testimony.	Feb-28
Ameritech files rebuttal to Staff &	Mar-28

Intervenors; Staff & Intervenors file
rebuttal to each other

Staff and Intervenors file rebuttal testimony to Ameritech	Apr-18
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Ameritech files surrebuttal	May-2
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Hearings Begin	May-14
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Hearings end (additional days if needed: May 20 & 21)	May-17
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Simultaneous Initial Briefs	Jun-18
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Simultaneous Reply Briefs	Jul-2
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(Note: This schedule is reflected on e-docket)

Filings to Date:

On November 20, 2001, AI filed and distributed its initial submission for Phase One which consists of a draft Brief in Support of Application by SBC Communications, Inc., Ameritech Illinois, and Ameritech Long Distance For Provision of In-Region, InterLATA Services in Illinois together with 19 draft supporting affidavits.

These are the draft affidavits of: Scott J. Alexander; Justin W. Brown; Carol A. Chapman; Mark Cottrell; William C. Deere; James D. Ehr; Patrick L. Foster; John S. Habeeb; Deborah O. Heritage; Rhonda Johnson; Denise Kagan; Robben Kniffen-Rusu; Jeffrey Mondon (two); Jan D. Rodgers; Barbara Smith; Marcia J. Stanek; Don A. Thompson; and Bernard Eugene Valentine.

(Note: Proprietary versions of the Heritage and Rodgers draft affidavits are filed separately in a non-accessible part of e-docket. See, Notice of ALJ Ruling, November 28, 2001).

Other Matters – (discussed at the November 27, 2001 status conference):

Discovery – Despite AI's opposition, the ALJ authorized discovery in this cause provided that the data requests issued meet the test of relevancy. To assist the ALJ, the Staff will provide comment or a recommendation relevant to any disputes arising on the basis of relevancy. Further, the parties will keep the ALJ apprised of both the date and the

number of data requests sent out, in order to ensure diligence and fairness in process.

Confidentiality – The parties will be meeting to discuss and hopefully agree on confidentiality and disclosure issues. Otherwise, the ALJ will consider each of their respective arguments and positions and render a ruling on such matters.

(Note: There is proprietary information as to individual CLECs in two of the draft affidavits that AI filed (proprietary and public versions) on November 20, 2001).

Next Step:

At the status conference scheduled for January 10, 2002, it is expected that the parties will have formulated and agreed on an “Issues List” to guide the remainder of the Phase One proceeding.

Further Memoranda and Distribution:

The ALJ believes it worthwhile to provide the Commission with updates on the progress of the procedural aspects or rulings in the case. With the Commission’s permission the ALJ will continue with this process. Any such “informational” memoranda (not dealing with substantive issues) should be available to the parties of record at the earliest opportunity. Any objection to the matters reflected therein should be brought to the attention of the ALJ.

In the event the Commission has questions or concerns relating to any subjects reported in these memoranda, the ALJ will be available for discussion of same at the open sessions.

Final Note:

The ALJ will not be available on December 11, 2001. If the Commission has no questions, but simply agrees with the recommendation to (1) continue with these “informative” memoranda; and (2) with immediate release of same to the parties, it can make its intentions known to the Chief ALJ, Barbara Rogers, at that time.

If, however, the Commission has questions for the ALJ, or disagrees with the recommendations herein, the ALJ will call in to the December 18, 2001 session from New York.

EM:jt

